

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 30.5, the Homeland Security and Emergency Management Department on behalf of the Iowa Emergency Response Commission hereby gives Notice of Intended Action to amend Chapter 103, “Local Emergency Planning Committees,” Iowa Administrative Code.

These amendments are intended to update the name of the Department as well as the membership on local emergency planning committees. Additionally, the proposed amendments update Iowa Administrative Code references within the chapter.

These changes were approved by the Commission at its scheduled meeting held on October 29, 2015.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before December 29, 2015. Such written materials should be sent to the Administrative Rules Coordinator, Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324; fax (515)725-3260; or via e-mail to john.benson@iowa.gov.

Also, there will be a public hearing on December 29, 2015, at 11 a.m. in the Department of Homeland Security and Emergency Management Cyclones Conference Room at 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 30.

The following amendments are proposed.

ITEM 1. Amend subrule 103.1(1) as follows:

103.1(1) Purpose. The Iowa emergency response commission (IERC) is required to appoint members to local emergency planning committees. An LEPC is appointed for each of the emergency planning districts established in ~~607~~ 605—Chapter 102.

ITEM 2. Amend rule 605—103.2(30) as follows:

605—103.2(30) Committee members.

103.2(1) Appointment of local emergency planning committees. Nominations to the LEPC shall be made by the ~~county~~ local emergency management commission, established under Iowa Code section 29C.9, and shall be subject to review and appointment by the IERC. To the extent possible, membership of the LEPC shall be composed of members of the ~~county~~ local emergency management commission. Vacancies on the LEPC shall be filled in accordance with this subrule.

103.2(2) Meeting participation. Any member of the ~~county~~ local emergency management commission may participate in any meeting of the LEPC. If the ~~county~~ local emergency management commission member is not the appointed representative of one of the groups or organizations specified in subrule 103.1(2), the ~~county~~ local emergency management commission member shall not be eligible to vote on any issue before the LEPC.

103.2(3) No change.

ITEM 3. Amend subrule 103.3(2) as follows:

103.3(2) The LEPC shall establish procedures for receiving and processing requests from the public for information under EPCRA Section 324, including Form Tier ~~Two~~ II information under EPCRA Section 312. (42 U.S.C. 11001(c))

ITEM 4. Amend rule 605—103.4(30) as follows:

605—103.4(30) Emergency response plan development. The IERC recognizes that emergency planning includes more than chemical release planning. The chemical release planning required by this chapter and EPCRA shall be included in the comprehensive emergency planning conducted by the ~~county~~ local emergency management commission as required by Iowa Code chapter 29C and planning standards of the Iowa ~~division of~~ homeland security and emergency management department.

ITEM 5. Amend rule 605—103.7(30) as follows:

605—103.7(30) Local emergency response plan submission. After completion of the initial emergency response plan and any subsequent revisions thereto, the LEPC shall submit a copy to the IERC. The IERC shall review the submission and make recommendations to the LEPC on appropriate revisions that may be necessary to comply with provisions in 42 U.S.C. 11003(c) and state planning standards in ~~607~~ 605—Chapter ~~6~~ 7 to ensure coordination with emergency response plans of other emergency planning districts, the state of Iowa, and adjacent states. To the maximum extent practicable, the review shall not delay implementation of the plan or revisions thereto. All plans shall be submitted annually by October 17.

ITEM 6. Amend **605—Chapter 103**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 30 and ~~1992 Iowa Acts, chapter 1139.~~